

**MEDFORD TOWNSHIP ZONING BOARD OF ADJUSTMENT
REGULAR MEETING**

21 October 2020 --7:00 p.m. Public Safety Building, 91 Union St. & via "Zoom" on-line platform
**This Meeting was conducted during a National Emergency with remote participation in accordance with guidance provided by the NJ Division of Local Government Services, Department of Community Affairs, as set forth in the Public Notice of this Meeting.*

Chairwoman Symons called the meeting to order at 7:09 p.m. and Mr. Dasti read the Statement of Conformance with the Open Public Meetings Act and the Municipal Land Use Law.

ROLL

Present: Cocivera, Hamilton, Pullman, Rickards, Umba, Wolf, Simmers,
Meehan, Symons
Absent: None
Professional Staff: Attorney Jerry Dasti, Planner Michelle Taylor, Secretary Beth Portocalis

PLEDGE OF ALLEGIANCE

MINUTES:

September 16, 2020 Regular Meeting – Vice Chairman Cocivera made a motion to approve the September 2020 Zoning Board Meeting Minutes. Mr. Umba seconded the motion. Chairwoman Symons and Mr. Pullman abstained. A unanimous voice vote of the other members carried the motion.

REPORTS: None

EXECUTIVE SESSION: None

CORRESPONDENCE: Secretary Portocalis stated that a poll of Board members and the Board professionals were in agreement to change the date of the November meeting from the previously approved date of November 12th to the regular 3rd Wednesday of the month date of November 18th. The date change was no longer necessary due to the changes in the annual NJ League of Municipalities Conference from an in-person gathering to an online platform.

RESOLUTIONS TO BE MEMORIALIZED:

Amending Resolution #2020-06 for change of date of November 2020 Zoning Board Meeting: (Resolution #2020-36)

Changing date of November Zoning Board meeting to Wednesday, November 18, 2020 at 7:00 pm (from previously approved and advertised date of November 12th)

Ayes: Cocivera (M), Hamilton, Pullman (2), Rickards, Umba, Wolf,
Symons
Nays: None
Abst.: None
Motion carried: 7 - 0 - 0

Steve Foulk DBA Medford Auto Care, 188 Rt. 70, Block 904, Lot 3.01 ZVE-1067

(Resolution #2020-34)

Withdraw of Use Variance application without prejudice for third/accessory use (Truck Rentals)

Zone: HC-1

Ayes: Cocivera (M), Hamilton, Rickards, Umba (2), Wolf, Meehan,
Simmers
Nays: None
Abst.: Pullman, Symons
Motion carried: 7 - 0 - 0

James Moffa, 94 Hinchman Road, Block 6201, Lot 4 ZVE-1076

(Resolution #2020-35)

Bulk variance approvals for oversized shed 12' x 20' (240sf) where 168sf is maximum permitted; and exceeding lot coverage 15% permitted; 21.75% requested.

Zone: RGD-2.

Ayes: Cocivera (M), Hamilton, Rickards (2), Umba, Wolf, Meehan,
Simmers
Nays: None
Abst.: Pullman, Symons
Motion carried: 7 - 0 - 0

APPLICATIONS/OFFICIAL

David Kotler, 2 Birchwood Drive, Block 4908/Lot 195. ZVE-1073

Seeking bulk variance approvals to maintain two fences on a corner lot which are not permitted, including a 4' high solid fence within the front yard not meeting the required opacity of 50%; and a 6' high solid fence within the front yard where 4' is the maximum height. **Zone: GD.**

SWORN: David Kotler, Owner

Mr. Kotler opened the testimony by explaining that he installed a fence on his corner property (with Jackson Road) for safety reasons. Since the onset of the COVID restrictions, his children have been playing in the front yard. In addition, the family dog was killed entering Jackson Road after escaping the front yard area. Mr. Kotler acknowledged he didn't know the requirements for fencing in a front yard, and had added a basketball court for his children to play on, which technically is in the front yard due to the position of the dwelling on the lot. This positioning leaves little ground that could be considered a back yard. There are cranberry bogs located to the rear of the property, which are accessed by many people to hike and fish. In addition, many people walk, jog and bike along a pathway adjacent to his house, so Mr. Kotler expressed that there are privacy concerns as well.

Mr. Kotler continued that he insured the location of the fencing would not affect any sight triangles, and that he maintained and added landscaping in front of the fencing.

Both Vice-Chairman Cocivera and Mr. Umba acknowledged that corner properties are not unique, and that the Board has recently considered several other similar applications.

PUBLIC: Vice Chairman Cocivera made the motion to open the public comment; Mr. Pullman seconded.

No one from the public spoke.

Vice Chairman Cocivera made a motion to close the public portion. Mr. Pullman seconded.

The voice vote was unanimous.

Much discussion ensued about the fencing height and opacity. Board members generally acknowledged Mr. Kotler's security and privacy concerns, and also were in favor of the wood fence aesthetic and the added landscaping. After comments from Mrs. Taylor, Chairwoman Symons asked if Mr. Kotler would be amenable to slightly modifying the section of fence in the front to 4' with 50% opacity, to which Mr. Kotler agreed.

Vice Chairman Cocivera made a motion to approve this application as amended to a 4' height with 50% opacity in the front yard. Mr. Umba seconded the motion.

Recorded Vote:

Ayes:	Cocivera, Hamilton, Pullman, Rickards, Umba, Wolf, Symons
Nays:	None
Abst.:	None
Motion carried:	7 - 0 - 0

The Board took a brief recess from 8:30 – 8:40 pm.

James Zeck, 13 Andover Drive, Block 404.21/Lot 6. ZVE 1074

Seeking bulk variance approvals to replace an existing rear deck on dwelling with a new, larger and partially covered deck, and the installation of an entryway overhang. Exceeds permitted lot coverage of 20%. Lot coverage proposed at 22.34%; existing 19.8%. **Zone: GMN**

SWORN: Richard Wells, Esq., Attorney
James Zeck, Owner/Applicant

Mr. Wells opened the testimony by explaining that Mr. Zeck just purchased the property three months ago. The existing deck is falling apart and unsafe to use. Since the dwelling is elevated the family must use the basement walkout to access the rear yard. The existing size is too small for the family, so Mr. Zeck is proposing a new, partially covered deck. There is no paving under the deck, nor is there any other outdoor paver patio space. This is consistent with the neighborhood, and Mr. Zeck's proposed deck is similar in size and design to the next door

neighbor's. The overhang extends 13' off the dwelling and is intended to provide shade given the orientation of the dwelling. Mr. Zeck has no intention to enclose this deck in the future since it will be the only outdoor space.

The proposed deck is within the setback requirements, inclusive of the steps to the rear yard.

Mr. Zeck is also proposing an overhang roof over the front entrance. There are a couple of other dwellings in the development that have a similar feature. The intent is to provide weather protection. Mr. Zeck has no plan to enclose this area in the future.

Mr. Wells concluded the overall increase in lot size is insignificant and will enhance the lot and the neighborhood.

Mrs. Taylor had no comments.

PUBLIC: Mr. Umba made the motion to open the public comment; Vice Chairman Cocivera seconded.

Duncan Prime – 17 Andover Drive (Mr. Prime disclosed he is a partner in the firm serving as Township Attorney, but his testimony is as a neighbor)

Evan Cooke – 12 Andover Drive

Michael Wojcik – 14 Andover Drive (lives across the street)

Charlie Buono – 10 Inverness Drive (next door neighbor)

All four members of the public reside in the neighborhood and wholeheartedly support the application as proposed; and each testified that what Mr. Zeck is proposing is consistent with other properties in the development/neighborhood.

Mr. Umba made a motion to close the public portion. Vice Chairman Cocivera seconded. The voice vote was unanimous.

Mr. Umba made a motion to approve the application as proposed. Mr. Pullman seconded the motion.

Recorded Vote:

Ayes:	Cocivera, Hamilton, Pullman, Rickards, Umba, Wolf, Symons
Nays:	None
Abst.:	None
Motion carried:	7 - 0 - 0

Valarie & Jay Bertsch, 6 Stonycroft Court, Block 2701.17/Lot 64. ZVE-1075

Seeking bulk variance approvals to retroactively approve a 131 sf (9.9' x 13.3') paver patio and stair located at the rear of the dwelling. Exceeds permitted building coverage of 12%; existing 37%. Exceeds permitted lot coverage of 30%; proposing 50.5%; 48.6% existing. Exceeds required rear yard setback of 10 feet; 1.1 feet proposed. Maintains 10' side lot line setback.
Zone: GD

SWORN: Jay Bertsch, Former Owner (2 Chicagoma Trail, Medford Lakes)

Mr. Bertsch opened the testimony by explaining that he is the former owner of the property, and sold it in September, 2020 to Al Borrell. He and his wife started improvements on the property in January 2020, including removal of a portion of a solid wall and installation of a slider door at the rear of the dwelling, which faces the lake & aerator fountain. The dwelling is elevated, so the slider door would have opened to nothing. The original applications to the Township for approval included steps, but Mr. Bertsch instead added a paver patio area with paver steps/landings.

Mr. Bertsch continued that this paver patio area is not visible to any of the neighbors, and that having a rear yard paver patio area is not unique to any of the properties that open up to the lake. He went on to explain that Medford Commons is unique, with very small lots and the courts are surrounded by large expanses of open space. If the open space areas were incorporated into the lots, the coverages would be similar those in Oakwood and Birchwood among others.

Chairwoman Symons asked why the patio area exceeded what the HOA had approved. Mr. Bertsch explained that the contractor added a second step for safety reasons. The HOA had approved 114 s/f; the patio area including steps is 131 sf. Board members and Mr. Bertsch discussed removing the second step, which totals 13 sf.

Mrs. Taylor explained the GD Zone requirements do not in actuality apply in Medford Commons. The average lot size is only 4500 sf. Per Section 403D of the Land Development Ordinances which includes requirements for patio homes and townhouses at 9,000sf per lot. At this larger lot size, the rear yard and building and lot coverages are more forgiving. This specific lot does have a unique layout. Mrs. Taylor concluded that the paver patio is not an eyesore nor does it create a annoyance for the next door neighbors.

PUBLIC: Mr. Umba made the motion to open the public comment; Vice Chairman Cocivera seconded.

Al Borrell – 6 Stonycroft Court. Mr. Borrell is the new owner of this property. He & his wife “fell in love” with the property, most especially the paver patio looking out onto the lake. They formerly lived in Medford Lakes and have become accustomed to lake views. He expressed his hope that the Board would vote in favor and leave the patio as is. He has already spoken with several of his neighbors, and no one opposes the patio. He also pledged to add more landscaping of both sides to further buffer the paver patio. Upon questioning from Chairwoman Symons, Mr. Borrell confirmed

he was made aware of the requirement for Zoning Board approval prior to settlement.

Mr. Umba made a motion to close the public portion. Vice Chairman Cocivera seconded. The voice vote was unanimous.

Vice Chairman Cocivera made a motion to approve the application as submitted. Mr. Umba seconded the motion.

Recorded Vote:

Ayes:	Cocivera, Hamilton, Pullman, Rickards, Umba, Wolf, Symons
Nays:	None
Abst.:	None
Motion carried:	7 - 0 - 0

GENERAL PUBLIC: Mr. Umba made a motion to open the public portion. Vice Chairman Cocivera seconded.

No one from the public spoke.

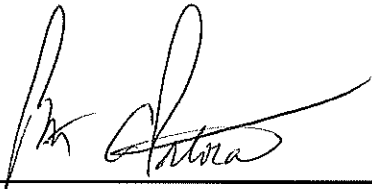
Mr. Umba made a motion to close the public portion. Mr. Rickards seconded. The voice vote was unanimous.

EXECUTIVE SESSION: None

ADDITIONAL ACTION BY BOARD: A reminder that the November meeting will be November 18th.

MOTION FOR ADJOURNMENT:

Mr. Umba made a motion to adjourn the Zoning Board of Adjustment meeting at 10:15 pm. Vice Chairman Cocivera seconded the motion. The voice vote was unanimous.



Beth Portocalis, Zoning Board Secretary & Recording Secretary